

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-005-MOC
(3:16-cr-92-MOC-1)**

BOAKAI BOKER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

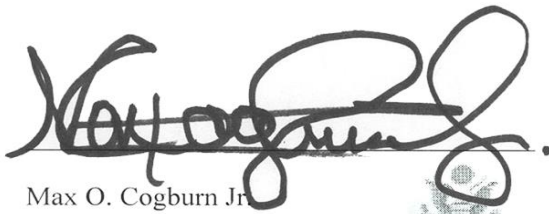
Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, which was stamp-filed in this Court on January 3, 2019. See (Doc. No. 1). Judgment in the underlying criminal action was entered against Petitioner on May 1, 2018, and an Amended Judgment was entered on May 14, 2018. (Crim. Case No. 3:16-cr-92-MOC-1, Doc. No. 99: Judgment; Doc. No. 99: Amended Judgment). Petitioner filed a Notice of Appeal on May 8, 2018, and his appeal before the Fourth Circuit Court of Appeals is currently pending. (Id., Doc. No. 94). As such, the petition is premature. The Court will, therefore, dismiss the motion to vacate without prejudice to Petitioner to refile the petition after resolution of his direct appeal.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate is **DISMISSED** without prejudice as premature.

Signed: January 17, 2019



Max O. Cogburn Jr.
United States District Judge